

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**SPECIAL SESSION
October 1, 2007**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Special Session at 8:00 a.m., October 1, 2007, in the Tom Sullivan Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andrew Kunasek, Vice Chairman, District 3 (entered late); Don Stapley, District 2, Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager and Dean Wolcott, Outside Counsel to the Board. Votes of the Members will be recorded as follows: aye-no-absent-abstain.

EXECUTIVE SESSION CALLED

Pursuant to A.R.S. §38-431.03, et.al., motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to recess and reconvene in Executive Session for the purpose of obtaining legal advice from the Board's attorney in reviewing the matter listed below, pursuant to the listed statutory references. All members remained in session when the meeting reconvened.

E-1. Dowling v. the Maricopa County Board of Supervisors; CV2006-052611, Counterclaim and Third Party Claim, in consolidated case CV2006-014285.

Tom Irvine, Outside Counsel
Rebekah Francis, Outside Counsel
Sandi Wilson, Deputy County Manager
Tom Manos, Chief Financial Officer, **did not attend**
Shelby Scharbach, Deputy Chief Financial Officer
Lisa Keegan, Interim Communications Director
Brian Hushek, Deputy Budget Director
LeeAnn Bohn, Deputy Budget Director, **did not attend**
Shawn Nau, Director, General Government
Chiefs of Staff Latto, Candland, Bloom and Isham

~ Supervisor Kunasek entered the meeting ~

RECESS SPECIAL SESSION AND CONVENE IN FORMAL SESSION

Chairman Brock recessed the Board at 8:55 a.m. in order to conduct the scheduled 9:00 a.m. Formal Meeting of the Board in the Supervisors' Auditorium. This meeting will reconvene when the Formal Meeting recesses.

SPECIAL SESSION RECONVENED

Special Session reconvened at 10:10 a.m. in the Tom Sullivan Room with all members present. Chairman Brock immediately reconvened Executive Session to consider the remaining items on the Special Executive Agenda dated October 1, 2007. Chris Keller, Chief Counsel, Civil Division, replaced Mr. Wolcott as counsel to the Board.

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – ARS §38-431.03(A)(3) and (A)(4)

E-2. Mitchell v. Maricopa County, et al.

Ted Howard, Claims Manager, Risk Management, **did not attend**
David Hendershott, Chief, Sheriff's Office, **did not attend**
Dennis Wilenchik, Outside Counsel, **did not attend**
Rebecca Salisbury, Deputy County Attorney, **did not attend**

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**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS
CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(3 and (A)(4)**

E-3. Paige Devereaux Workers Compensation Matter

Peter Crowley, Risk Manager
Ted Howard, Claims Manager, Risk Management, **did not attend**
Bruce White, Deputy County Attorney, **did not attend**

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS
CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(3 and (A)(4)**

E-4. Lonnie Paulsen

Peter Crowley, Risk Manager
Bruce White, Deputy County Attorney, **did not attend**

**LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION; SETTLEMENT DISCUSSIONS
CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION; PURCHASE, SALE OR LEASE OF
REAL PROPERTY – ARS §38-431.03(A)(3), (A)(4) and (A)(7)**

E-5. Proposed Property Acquisition

Tom Manos, Chief Financial Officer
Dennis Lindsey, Real Estate Manager
Sandi Wilson, Deputy County Manager, **did not attend**
Brian Hushek, Deputy Budget Director
Chris McNichol, Outside Counsel
Jean Rice, Deputy County Attorney

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS
CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(3 and (A)(4)**

E-6. Park and Company Marketing and Communications, Inc. v. Godec Randall & Associates, Inc., CV07-1788-PHX-SMM

Joy Rich, Assistant County Manager
Robert Kard, Director, Air Quality
Holly Ward, Public Information Officer, Air Quality
Steve Dahle, Materials Management
Kevin Costello, Deputy County Attorney
Otis Smith, Deputy County Attorney, **did not attend**
Chiefs of Staff Latto, Candland, Bloom and Isham

~ Supervisors Kunasek and Wilcox left the meeting at 11:45 a.m. ~

SPECIAL SESSION RECESSED

Special Session was recessed at 11:59 a.m. to reconvene in Formal Session to vote on Formal Meeting Agenda items #68 and #69. Chairman Brock and Supervisors Stapley and Wilson were present. This meeting will reconvene at 2:30 p.m.

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**SPECIAL SESSION
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SPECIAL SESSION RECONVENED AT 2:30 P.M.

The following meetings were reconvened by Supervisor Wilson in the Supervisors' Conference Room, 301 W. Jefferson, at 2:30 p.m., with Supervisors Stapley and Wilcox in attendance. Also attending: Fran McCarroll, David Smith and Dean Wolcott.

1. Special meeting
2. Formal meeting

Supervisor Wilson explained to those present that the 12:00 noon mediation was still on-going and the Board needed to wait until those discussions were complete before any further discussion or action by the Board of Supervisors. At the time, the estimated time for conclusion of the mediation session was determined to be later in the day at approximately 3:30 pm.

SPECIAL SESSION RECESSED

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox and unanimously carried to recess Special Session until 3:30 p.m., or until such time as word is received of the conclusion of the mediation session. The meeting will either resume at 3:30 p.m. or a progress report will be given.

AT 3:35 P.M.

Fran McCarroll announced to those present in the Supervisors' Conference Room that she had received word that the mediation session was still continuing. The current estimate is that the mediation may conclude at approximately 4:30 p.m. If so, at 4:30 p.m. the Board of Supervisors would reconvene the 8:00 a.m. Special Meeting in the Tom Sullivan room and meet in Executive Session regarding the status of the IGA. Pending the information given to the Board at that time, the Board may then reconvene the 9:00 a.m. Formal Meeting for reconsideration of agenda items 8, 9 and 10.

SPECIAL SESSION RECONVENED

Supervisor Stapley reconvened Special Session in the Tom Sullivan Conference Room at 4:37 p.m. with Supervisors Stapley and Wilcox present and Supervisors Brock, Kunasek and Wilson present telephonically. Supervisor Stapley reconvened Executive Session to hear a report from Tom Irvine on the noon Mediation meeting, which had just concluded.

MEETING ADJOURNED

After considering the items listed above and there being no further business to come before the Board, the meeting was adjourned at 4:45 p.m.

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board